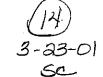
# ORIGINAL



## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADY L. DAVIS,

**Plaintiff** 

No. 1:CV-00-0490

HARRISBURG

٧.

(Judge Rambo)

MAR 2 2 2001

FOX, et al.,

Defendants

(Jury Trial Demand HARY E D'ANDE

#### MOTION TO COMPEL PLAINTIFF TO RESPOND TO INTERROGATORIES

Officer Fox, Officer Zielinski, Officer Henning, Hearing Examiner Breon, Hearing Examiner Maresca, K. Tripp, Kandis Dascani, Jack Sommers, Michael Corbacio, Unit Manager Grover, Superintendent Gillis, Chief Hearing Examiner Robert S. Bitner (defendants), through their attorneys, hereby respectfully move the Court pursuant to Fed.R.Civ.P. 37, to order Brady L. Davis, the plaintiff, who is an inmate confined at the State Correctional Institution at Coal Township, to answer defendants' interrogatories. Defendants state the following in support of their motion.

- 1. On August 2, 2000, defendants' attorney served plaintiff with eighteen (18) interrogatories and a request for the production of documents.
- 2. According to Fed.R.Civ.P. 33(b)(3) and 34(b), plaintiff's responses to these requests were due on or before September 1, 2000.
- Defendants have no record of receiving any responses to these interrogatories or document requests.
- 4. On February 14, 2001, defendants wrote a letter to plaintiff stating that they had not received responses to their requests. Defendants enclosed a copy of the original

interrogatories and document requests and directed plaintiff to answer such by March 16, 2001 or they would seek sanctions pursuant to Fed.R.Civ.P. 37. (Exhibit A).

- 5. As of this date, Plaintiff has not responded to defendants eighteen (18) interrogatories.
- 6. Plaintiff has responded to the request for documents.
- 7. Defendants have not attempted to confer with plaintiff in this matter, outside of their February 14, 2001 letter, because plaintiff is a *pro se* prisoner.

WHEREFORE, the Court should order plaintiff to answer the interrogatories served by defendants in this case.

Respectfully submitted,

D. MICHAEL FISHER Attorney General

BY:

Deputy Attorney General

ID No. 66720

SUSAN FORNEY Chief Deputy Attorney General Litigation Section

Office of Attorney General 15<sup>th</sup> Fl., Strawberry Square Harrisburg, PA 17120 Direct: (717) 705-7327

Date: March 22, 2001

## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADY L. DAVIS,

Plaintiff

No. 1:CV-00-0490

v.

(Judge Rambo)

:

FOX, et al.,

(Jury Trial Demanded)

**Defendants** 

### **CERTIFICATE OF SERVICE**

AND NOW, this 22<sup>nd</sup> day of March, 2001, I, LINDA S. LLOYD, Deputy Attorney General, counsel for defendants in the above-captioned action, hereby certify that on this day I served the foregoing **Motion to Compel Plaintiff to Respond to Interrogatories** by causing a copy of it to be deposited in the United States mail, postage prepaid, at Harrisburg, Pennsylvania, addressed to the following:

Brady L. Davis, BX-3685 SCI-Coal Township 1 Kelley Drive Coal Township, PA 17866

Deputy Attorney General

DATE: March 22, 2001